

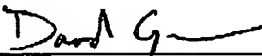
Applicant : Steven M. Zuniga  
Serial No. : 10/670,888  
Filed : September 24, 2003  
Page : 2 of 2

Attorney's Docket No.: 05542-332003 / 3263D2

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Respectfully submitted,

Date: 9/2/04

  
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Attorney's Docket No.: 3263D2-332003

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Steven M. Zuniga  
Serial No. : 10/670,888  
Filed : September 24, 2003  
Title : APPARATUS AND METHOD OF DETECTING A SUBSTRATE IN A  
CARRIER HEAD

Art Unit : 3723  
Examiner : Lee D. Wilson

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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REPLY TO ACTION OF MAY 24, 2004

In reply to the Office Action of May 24, 2004, Applicant submits the following remarks.

Claims 1-17 stand rejected for obviousness-type double patenting over claims 1-17 of

U.S. Patent No. 6,645,044.

Applicant respectfully reminds the Examiner that restriction requirements were issued in both the parent application that became U.S. Patent No. 6,645,044 and in the grandparent application that became U.S. Patent No. 6,422,927.

In particular, the Examiner's attention is directed to the action dated July 7, 2002, in the parent patent 6,645,044. In that action, the Examiner required election between Group I (claims 1-17) and Group II (claims 18-20). In the parent application, the Applicant elected the invention of Group I. In contrast, the claims of the present application are directed to the invention of Group II (compare non-elected claim 18 of the parent application to claim 1 of the present application). Therefore, the double-patenting rejection is clearly improper under 35 USC 121, and the Applicant respectfully requests reconsideration.

## CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

Date of Transmission

September 2, 2004

Signature

Nikla M. McMillon

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